

October 2015

# NSHBA NEWS



## UPCOMING EVENTS:

- December 4th, 11:00 AM.  
NSHBA Board of Directors  
Meeting, Lincoln, NE  
LOCATION TBD
- IBS Design & Construction  
Week – January 19-21<sup>st</sup>, 2016  
Las Vegas, NV  
Headquarter Hotel – MIRAGE
- March 2, 2016  
Legislative Banquet  
Wilderness Ridge  
Lincoln, NE

### **IMPORTANT Safety Program Update - NSHBA Members**

If you have a safety manual that was done by SMI, it is time to update it. Rick Mulkey has agreed to provide those updates at a minimal cost to insure that the information you are using in your company is correct.

There are also some new regulations that will need to be inserted in your manual.

OSHA is out in the field and fines are occurring on a daily basis. Make sure that your information is current.

Call Rick Mulkey to update your safety information at [402-816-4626](tel:402-816-4626).

NSHBA is working to make sure that Safety is a Priority in Nebraska.

## Judge blocks WOTUS rule one day before scheduled implementation

WASHINGTON, Aug. 27, 2015 - A federal judge has issued a preliminary injunction stopping the Obama administration's Clean Water Rule from going into effect on Friday in some states, a victory for agricultural interests who brought lawsuits to halt the rule. [Click here for full article](#) (See page 2 & 3 for more information)

## OSHA Confined Spaces - Update on ruling

The following update on the confined spaces ruling from NAHB. Please read carefully.

OSHA has just issued the “The Temporary Enforcement Policy for Residential Construction Work in Confined Spaces” memo, which has been added to the OSHA webpage:

[https://www.osha.gov/confinedspaces/tempenforcementpolicy\\_1015.html](https://www.osha.gov/confinedspaces/tempenforcementpolicy_1015.html).

This extends the temporary enforcement policy through January 8, 2016, only for employers engaged in residential construction work. Please note that OSHA used the definition for residential construction from its fall protection directive, therefore this enforcement policy covers construction work on single-family homes, duplexes, and townhouses, but *excludes* work on multi-unit apartments. The goal of the extension request was to extend the enforcement policy to the entire NAHB membership, so we believe this narrow approach creates issues for NAHB’s multi-family members.

Further updates will be provided as they become available to NSHBA

## The United for Patent Reform Coalition

The Nebraska State Home Builders Association has become a member of the United for Patent Reform Coalition along with numerous other local and state associations and many other organizations.

Letters have been sent to Senator Ben Sasse and to Senator Deb Fischer from our association regarding the importance of a resolve to this issue.

This is an issue that we worked on last year and the purpose is to pursue comprehensive solution to abusive patent litigation.

NSHBA will keep you informed as to any legislation and the results of same. **See page 4 to find out what the coalition supports.**

## First-Time Buyers Have 32 Percent Share of August Sales

The National Association of Realtors found that first-time buyers accounted for 32 percent of existing-home sales in August 2015. [READ MORE](#)

**REPRINT OF EMAIL RECEIVED**

**DATE: August 24, 2015**

**TO: NAHB Members**

**FROM: NAHB Advocacy Team**

RE: NAHB Efforts Roll Back Tighter Floodplain Regs

Thanks to the work of NAHB members, leadership and staff, the U.S. Army Corps of Engineers will pull in the reins on a sweeping new standard that could have had a dramatic impact on home building and development.

This is an important victory for our industry, and we want you to know about it.

NAHB talks with the Corps have produced results that will blunt the impact of the new Federal Flood Risk Management Standard, which could have placed much tighter limits on where homes can be built.

In January, President Obama issued an executive order establishing the new standard. It expanded what we know as the 100-year floodplain to either the climate-informed science floodplain, the 500-year floodplain, or the 100-year floodplain plus an additional 2 to 3 foot freeboard.

Given the language of the executive order, NAHB was concerned that the new floodplain definition could adversely affect residential housing projects and homes that get HUD funding, require EPA permits and participate in the National Flood Insurance Program (NFIP), making housing more expensive for your buyers.

NAHB members and staff [spoke in listening sessions](#), [submitted comments](#) and [continually pushed federal agencies](#) to limit the applicability of the new standard.

We're proud to tell you that these efforts have produced results.

- In June, FEMA confirmed that the new standard will not affect the standards or rates of the NFIP or the minimum floodplain management criteria for communities. FEMA will also continue to use the 1% annual chance floodplain as the basis for the Flood Insurance Rate Maps and the overall NFIP.
- Last week, the Army Corps of Engineers released a fact sheet stating that Clean Water Act Section 404 wetland permits will not be subject to the expanded floodplain standard.
- Also last week, HUD confirmed to NAHB that the standard would not apply to newly constructed single-family homes financed with FHA-insured mortgages. It had already determined that the standard would not apply to existing homes purchased with an FHA-insured mortgage.

The standard will apply to multifamily properties using FHA insurance for new construction or substantial rehabilitation and to FHA 203(k) rehabilitation loans. HUD will release its proposal soon, and NAHB will be sure to weigh in on it.

You can learn more about these efforts by contacting our regulatory staff: [Owen McDonough](#) at [800-368-5242](tel:800-368-5242) x8662, and [Mike Mittelholzer](#), at x8660.

NAHB will continue to meet with the agencies as they update their regulations. And we'll continue to monitor the development of the various documents so we can ensure our members' concerns are addressed – and that we can continue to build and remodel homes for our clients.

**REPRINT OF EMAIL RECEIVED**

**DATE: August 24, 2015**

**TO: NAHB Members**

**FROM: Tom Woods, 2015 NAHB Chairman**

**RE: Early Legal Challenges Show Cracks in EPA Rule**

We promised to keep you up-to-date on important developments regarding the Environmental Protection Agency's new rule defining "waters of the U.S." as regulated under the Clean Water Act.

Since it was initially proposed more than a year ago, NAHB has warned that the new rule was a disaster in the making for property owners. We predicted that the rule, which greatly expands the amount of land subject to federal regulation under the Clean Water Act, would result in significant confusion and uncertainty for property owners.

The rule went into effect today, and this week we have seen ample evidence that our prediction was accurate.

Numerous parties have challenged the legality of the rule, and already decisions coming out of the courts are mixed. Inevitably, this will cause uncertainty and considerable confusion for property owners nationwide.

We applaud the District Court of North Dakota which recognized the damage that the rule may cause and issued an injunction to prevent the EPA from implementing the rule until the court can conduct a proper review of the record.

The court found that the EPA misinterpreted the Clean Water Act, and the rule likely does not comply with the Supreme Court precedent. Additionally, it found that the EPA has not given the public a fair chance to comment on the rule, and that the final rule would be considered a vast departure from the proposed rule initially seen by the public.

Although the North Dakota decision is a solid win, District Courts in West Virginia and Georgia declined to consider cases filed there because they believed they did not have jurisdiction.

Presently, the EPA believes the injunction applies only to the 13 states that were parties to the suit: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, South Dakota and Wyoming.

Absent further action by the North Dakota court – or other courts in which similar litigation is pending – we can reasonably anticipate that the EPA will push forward with enforcement of this rule in every other state.

We will continue to update you on this important issue as needed.

# MEMBERSHIP – Builds strong associations

## We need you.



JANUARY 19-21  
LAS VEGAS  
BUILDERSSHOW.COM

## International Builders Show 2016 – Las Vegas, Nevada

The International Builders Show Design and Construction continues to get bigger and better. Space sales are up and this is our final year in Las Vegas, Nevada.

Registration is open at [nahb.org](http://nahb.org). Information regarding the show will be available online. The dates are January 19th through the 21st. Jay Leno will be the keynote speaker at the Opening Ceremonies and the Spike Party will feature Hall and Oates this year. So get those members in and get your free tickets to the concert.

A block of 20 rooms at the Mirage Hotel have been reserved again this year and the rates are very reasonable. Make your hotel reservations early and stay at the Nebraska Hotel "MIRAGE". Call 702-791-7111 for reservations.

For all information bookmark -<http://www.buildersshow.com/Home/>

### United for Patent Reform:

As a coalition, we support the strongest possible legislative solution to eliminate or minimize the incentives that encourage abusive patent litigation. The coalition supports the following legislative reforms:

- \* Require that patent demand letters include truthful, basic information.
- \* Require patent owners to explain in detail the basis for the alleged infringement when they file a complaint.
- \* Ensure that claims between a patent owner and a manufacturer proceed before claims between the patent owner and the manufacturer's end users
- \* Make patent litigation more efficient so that weak cases can be dismissed before expensive discovery.
- \* Require trolls to pay for the discovery they request beyond core documents so that they cannot run up costs just to force a settlement.
- \* Require that a losing party who brings a frivolous case pay the other side's attorney's fees – and make sure they can pay.
- \* Maintain and improve administrative alternatives to litigation.

# The Value of NAHB Membership

## WASHINGTON UPDATE:

### Finance

#### [HUD Secretary Seeks to Expand Housing Credit](#)

In his address to the NAHB Board, Secretary Julian Castro cited the importance of home building.

#### [New Mortgage Lending Rules Now In Effect](#)

Be prepared to comply and avoid any delays at home closings.

### Economics

#### [Builder Confidence at 10-Year High](#)

Single-family housing is making solid progress.

#### [Housing Starts Edge Lower in August, Permits Up](#)

Encouraging permit data a sign of ongoing, modest growth.

#### [Builders Gain Confidence](#)

The NAHB/Wells Fargo Housing Market Index for September increased one point to 62, the highest level in 10 years.

### Energy

#### [House Panel Approves NAHB-Supported Energy Legislation](#)

Bill encourages more cost-effective design for builders and buyers.

#### [New HUD Energy-Efficiency Standards Help More Qualified Buyers](#)

More consumers can qualify for homes that meet updated green requirements.

#### [Industry Eyes EPA's Revised Ozone Standards](#)

The concern: Rules may limit the use of diesel-powered equipment in some markets.

### Breaking News

#### [Court Ruling Suspends New EPA Water Rule](#)

Nationwide stay curbs EPA's water rule that dramatically expands the definition of "waters of the United States" under the Clean Water Act.

### NSHBA Mission Statement

*The Nebraska State Home Builders Association represents the residential and light commercial building industry at the state level and assists local associations and individual members by pursuing a suitable environment to ensure the vitality of the building industry for the benefit of its members, and to promote quality & affordable housing for the people of Nebraska.*



## Email Received from NAHB

Date: Thu, Oct 1, 2015 at 10:16 AM

Subject: UPDATE - House Committee Approves Energy Bill with NAHB-supported Codes Language

BUILD-PAC Trustees,

Late yesterday, the House Energy and Commerce Committee approved H.R. 8, the North American Energy Security and Infrastructure Act, which includes the NAHB-supported energy code legislation. The original, NAHB-supported energy code bill, known as "Blackburn/Schrader," was rolled into Committee Chairman Fred Upton's (R-MI) comprehensive energy bill, which ultimately passed on a bipartisan vote of 32-20. Importantly, we also defeated an amendment offered by Rep. Frank Pallone (D-NJ) to strike the codes language, again with bipartisan support for NAHB's position.

This victory was made possible by your efforts to drive grassroots contacts into the committee offices. When we started this effort the committee was going to allow "Blackburn/Schrader" to come up as a stand-alone amendment; however, after committee offices were flooded with calls from NAHB members, the committee decided to put the codes provision into the base bill – no vote needed. This is a great example of how powerful our collective voice can be.

The work is not yet over. We expect the bill to move to the House floor quickly - maybe as early as next week. To ensure that this bill will be signed by President Obama we will need to find as much bipartisan support as possible. Stay tuned for more information and, again, thank you for your efforts.

Best Regards,  
Meghan

Assistant Vice President

BUILD-PAC & Government Affairs

National Association of Home Builders

## \*\*STARTING SOON\*\*

[Find information on these course offerings!](#) At NAHB

[Twitter](#) <http://www.yougotclass.org/courses.cfm/NAHB/Twitter>

[Improving Email Promotions](#)

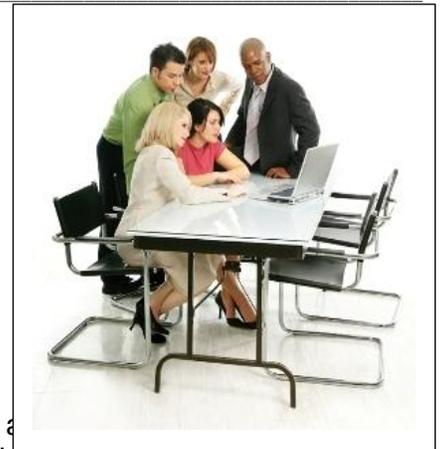
<http://www.yougotclass.org/courses.cfm/NAHB/eMarketing-Essentials-Certificate/Improving-Email-Promotions>

[Mobile Marketing](#)

<http://www.yougotclass.org/courses.cfm/NAHB/Mobile-Marketing-Certificate/Mobile-Marketing>

## Webinar Wednesdays

Take advantage of our [Webinar Wednesday](#) series. Register for any webinar and watch the [replay](#). Best of all, each webinar counts for one hour of continuing education credit toward NAHB professional designations.



## Free Webinar Replays for NAHB Members - check it out....topics listed below.

<http://www.nahb.org/en/learn/webinars/education-webinar-rewinds.aspx> (for all archived webinars)

**How to Prepare for an OSHA Inspection**

**OSHA Fall Protection**

**How Your Health Insurance Will Be Impacted by Health Reform**

**How to Avoid Paying Penalties Under Health Reform**

**How Will Your Premium Costs be Impacted by Health Reform**

**What Business Owners Need to Know to Comply with the Health Reform Law**

**The New Normal: Retooling Your Business for Bottom Line Success:**

Click here for topics listed directly above - <http://www.nahb.org/en/learn/webinars/e-learning-webinars-and-online-courses.aspx>

## OSHA TRAINING SAFETY TRAINING

NSHBA is setting up courses for late October and early November to enable members to be trained on new EPA regulations as well as updating members on current regulations. Education is important for your employees. We will send out an email with specific information on dates and times for our members on the upcoming training.

**NEBRASKA STATE HOME BUILDERS ASSOCIATION**

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**Executive Committee**

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**Education: NAHB – Webinar Wednesdays**

**Lessons Learned from Leaders: Rules for Aspiring Leaders in Home Building**

Wednesday, Oct. 14, 2-3 p.m. ET  
*Business Improvement series*

A panel of leaders in home building will share their stories that include some of the obstacles they overcame to get where they are today in their careers, provide advice to aspiring leaders, share insight as to what they look for when hiring, and provide some inspiration and advice to those committed to advancing their careers and developing their leadership skills.

*Presented by NAHB Professional Women in Building*

**HUD’s Affirmatively Furthering Fair Housing (AFFH) Rule: What Builders Need to Know**

Tuesday, Oct. 27, 2-3 p.m. ET  
*Policy and Finance series*

Open only to NAHB members and FREE! (Registration still required)

HUD’s final AFFH Rule requires states, local governments and public housing agencies to incorporate fair housing goals into their planning processes for broader community development initiatives or public housing operations as a condition of receiving certain HUD funds. This rule will affect NAHB members’ building opportunities because of its impact on land use, zoning and code decisions.

*Presented by NAHB Housing Finance and Regulatory Affairs*

**Combating the Labor Shortage Through Latino Workforce Engagement**

Wednesday, Nov. 18, 2-3 p.m. ET  
*Business Improvement series*

Position your company to tap into this powerful and emergent talent pool, especially as our industry faces a growing labor shortage. Ricardo González, founder and CEO of Bilingual America, will help you develop a clear and strategic understanding of Latino workforce demographics and important psycho-social considerations. You will be able to apply the proven recruiting and leadership development techniques to make your organization a magnet that attracts and retains the Hispanic workforce.

**Courses:**  
[www.nahb.org/courses](http://www.nahb.org/courses).

**Designations:**  
[www.nahb.org/designations](http://www.nahb.org/designations)

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